

BEARMOUTH FISHING ACCESS SITE ADDITION

Montana Board of Land Commissioners

June 2008

Acquiring Agency:	Montana Fish, Wildlife & Parks
Land Interest:	Fee Ownership
Cost/Value:	There will be no acquisition cost , as this property was donated by landowner Gene Tripp to Five Valleys Land Trust (FVLT) in December 2007. FVLT now proposes to donate the land to FWP , consistent with the landowner's intent that the property be managed for public recreation. The appraised value of the property is \$150,000.
Property Size/Location:	Approximately 21.6 acres in Granite County , located along the Clark Fork River 30 miles east of Missoula
Resource Values:	This floodplain property would serve as an addition to the existing Bearmouth Fishing Access Site along the Clark Fork River. The property has excellent access from I-90, and would greatly enhance public access at this site , providing opportunities for anglers to walk-in and wade fish along both sides of a half-mile section of the river. The property contains high-quality riparian habitat , with large cottonwoods, ponderosa pine and a healthy shrub understory.
Process:	FWP Draft Environmental Assessment was released on February 20, 2008, and comments were accepted through March 24. Decision Notice was issued by FWP on May 16, 2008, recommending acceptance of the land donation . Six public comments were received, all in support of the acquisition. One comment inquired about potential FWP liability in relation to the Clark Fork River Superfund site. The hazardous materials site assessment for the Bearmouth property concludes that the risk of contamination is low at the site. FWP Commission Approval is anticipated on June 12, 2008

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: June 12, 2008

Agenda Item: Bearmouth FAS Donation

Division: Parks

Action Needed: X Final Course of Action

Time Needed on Agenda for this Presentation: 5 minutes

Background:

This land acquisition proposal was initially brought before the commission for preliminary approval in Nov. 2007. FWP proposes accepting the donation of approximately 20 acres of land adjacent to the existing Bearmouth FAS. This donation of property will increase the size of the existing 10 acre Bearmouth FAS to 30 acres providing public access to both sides of the river and the upstream side of the bridge as well. The property has been donated by Mr. Gene Tripp and is currently being held by the Five Valleys Land Trust (FVLT). Upon final commission approval FVLT will deed the property over to the FWP. Because of historic metals contamination on the Upper Clark Fork River, an environmental audit was conducted on the property in December of 2007. The audit did not reveal any detectable levels of contamination.

Public Involvement Process & Results:

An Environmental Assessment was prepared and released for public comment from Feb. 20 through March 24th. A total of 6 comments were received from the public. Most were typical questions related to weeds, maintenance, etc and were addressed in the Decision Notice. One comment expressed concern over potential contamination issues in the upper Clark Fork basin and subsequent liability for clean up. A hazardous materials assessment concluded that the risk for site contamination is low and no remediation actions are proposed near this site. In the unlikely event that a CERCLA enforcement action would be taken against FWP, FWP will limit its liability by following the Bona Fide Prospective Purchaser landowner liability protection.

Alternatives and Analysis:

The environmental assessment presented two alternatives: no action or accept the donated property as the preferred alternative. Under the No Action Alternative FVLT would be obligated to try and find another entity to manage the property for public recreational use. If that failed FVLT would be forced to sell it. If that occurred there would likely be no public benefit.

Because of FWP's existing FAS at this location the Department is in the best position to manage this property for public use. Additional operation costs would be nominal.

Agency Recommendation & Rationale:

FWP recommends that the Commission approve accepting the approx 20-acre parcel from the FVLT that was donated by Gene Tripp for the purpose of enhancing public access at the Bearmouth FAS. An Environmental Audit of the property has been completed and concluded that the risk for recognized environmental conditions is low for this site.

Proposed Motion:

"I move that the Commission authorize the Department to accept transfer of ownership of the property from FVLT and thank them for their assistance as well as Gene Tripp for his generosity.

8. Listing of any other Local, State or Federal agency that has overlapping or additional jurisdiction.

(a) Permits: N/A

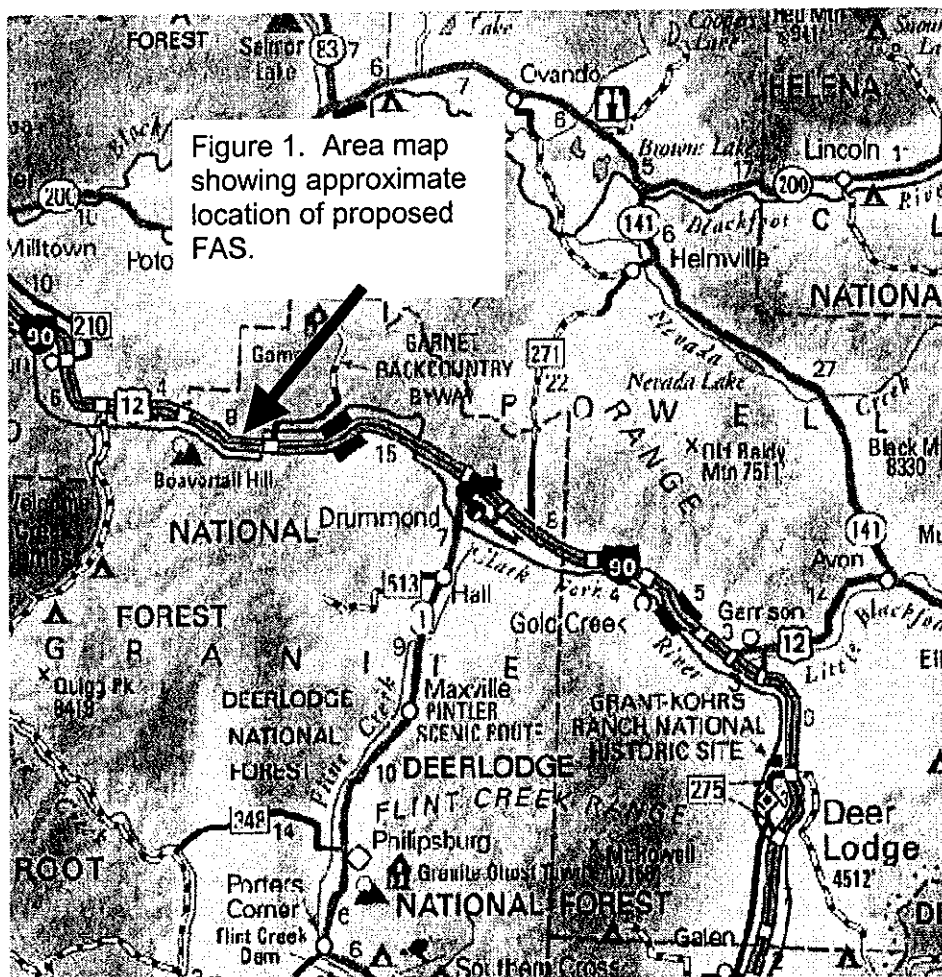
(b) Funding:

Source	Amount
Gene Tripp (private individual)	Donation of Title to Bearmouth parcel

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

Agency Name	Type of Responsibility
Granite County	oversight of survey and property transfer
Granite County	Weed inspection and management agreement

9. Narrative summary of the proposed action or project including the benefits and purpose of the proposed action:



DECISION NOTICE:
Bearmouth Fishing Access Site Donation
Montana Fish, Wildlife and Parks
3201 Spurgin Road
Missoula, MT 59804
(406) 542-5500

DESCRIPTION OF PROPOSED PROJECT

Montana Fish, Wildlife & Parks (FWP) proposes to acquire through donation from Five Valleys Land Trust of Missoula approximately 20 acres of land, adjacent to the Bearmouth Fishing Access Site (FAS) located in Granite County between Drummond and Beavertail Hill State Park on the Upper Clark Fork River. The property for the existing Bearmouth FAS was just acquired in 2005 and has not been developed yet. The proposed acquisition would be added to the Bearmouth FAS enlarging its size to approximately 30 acres.

Five Valleys Land Trust acquired the property through a donation from the previous landowner, Mr. Gene Tripp. The intent of Five Valleys Land Trust in accepting the land donation was to conserve the property and make it available for conveyance to FWP, if FWP receives the necessary approvals to acquire the land. Five Valleys Land Trust is a non-profit organization and is not charging any fees to either party for this service.

The existing FWP Bearmouth FAS is a narrow strip along the old frontage road starting approximately ¼ mile downstream of the Bearmouth Bridge on the right bank only. The Tripp property starts upstream of the bridge to adjoin the FAS on the right bank, and continues approximately 250 feet downstream, covering both sides of the Clark Fork River between FWP's property and Interstate 90. This proposed donation would greatly enhance public access at this location, due to the size and characteristics of the property. Most of the Tripp property is level with low banks, making it ideal for bank and wade angling. The Tripp property also includes land on both sides of the river, whereas the current Bearmouth FAS property only covers the north side of the river. The larger site would offer more angling opportunities and reduce trespassing on private lands, as the FAS would then be bordered by the interstate to the south and a steep cliffside to the north. The larger site would also offer more choices for future development such as a boat ramp or parking facilities.

Montana Fish, Wildlife & Parks is interested in acquiring this land because it would greatly enhance Bearmouth FAS as described above. There are very few designated public FAS's on the Upper Clark Fork River and little opportunity for public access. There are no other FWP FAS's in the 30-mile section between Drummond (river mile 273) and Beavertail Hill State Park (river mile 245). As efforts continue to clean up the historic mining contamination of the Clark Fork and restore the fishery, angler days are on an upward trend. There were 23,666 angler days in the section between the Bitterroot River and the Little Blackfoot River in 2003, making it the 6th most visited in the region and 28th in the state. However, angler days dropped to 11,772 days in 2005, making it the 9th most visited in the Region and 55th in the State. It is unclear what caused this drop in visitation, but lack of access is a likely factor.

This EA addresses only the acquisition/donation of the 20-acre Tripp property, and does not include any possible improvements that would be made in the future. Benefits of the proposed action include the provision of greater public access to a major river at little cost to FWP. Access to the Bearmouth FAS is very easy and convenient, as users take the Bearmouth exit off of I-90, turn north and then turn west at the old highway. The Tripp property is ideally suited for streambank and

wade fishing and together with the current FWP property would help make the Bearmouth FAS a very nice site for the public.

Alternative A: No Action

If no action is taken, FWP would not accept the donation of the Tripp property for addition to Bearmouth FAS. Five Valleys Land Trust (FVLT) would seek a new owner for the property, perhaps another State Agency or Granite County with the hopes that the parcel would still provide public access and recreation. If that was unsuccessful, FVLT be forced to sell the property to private interests, in which case the opportunity for public access could be lost. If no action is taken, FWP would lose a rare opportunity to acquire riverfront property at very little cost in a location that would further department goals. In addition, future fencing and border signing at Bearmouth FAS would be more extensive to discourage trespass onto the Tripp parcel.

Preferred Alternative B: Proposed Action

In the preferred alternative, FWP would accept the donation of approximately 20 acres of land to be added to Bearmouth FAS on the Upper Clark Fork River. By accepting this land, FWP would increase public access to a major river that currently has little public access at small cost. In addition, the parcel is well-suited for streambank and wade angling and increases the recreational value of Bearmouth FAS as a whole. The existing FWP property provides excellent vehicular access to the site, and the Tripp property would provide excellent walk-in access to the river. The configuration of the two parcels also reduces the amount of border that would be shared by FWP and private landowners, as Interstate 90 and steep topography provide effective boundaries. Less private/FWP borders means less trespassing and litter on private land and therefore less conflict between the private landowner and the public and FWP.

PUBLIC PROCESS AND COMMENT

The EA was sent out and the public comment period began February 20, 2008, and ran through March 24, 2008. Legal notices were published in the *Missoulian*, the *Helena Independent Record* and the *Philipsburg Mail*. There were 18 full copies, 5 electronic versions, and 4 post cards about the EA that were sent to interested parties consisting of neighbors, friends, conservation groups, Montana state legislators, county & state departments or agencies. The Bearmouth FAS Donation EA was posted on the MFWP web site February 20, 2008. A statewide news release was also sent out.

There were six comments received from the public. All six were in favor of FWP accepting the donation of this parcel. Within the comments received, there were a couple of concerns and questions asked:

Since the Upper Clark Fork River is part of the Superfund site and this land donation is within the boundaries, what legal liability will the Department be responsible for if FWP receives this donation? *FWP Response: FWP will address fee title acquisition along the Clark Fork on a case-by-case basis. FVLT had a hazardous material assessment conducted on this proposed Bearmouth FAS. As part of that hazardous material assessment, the contractor Tetra Tech reviewed records from the Environmental Protection Agency and Montana Department of Environmental Quality to identify recognized environmental conditions in connection with the site. The hazardous material assessment concluded that the risk for recognized environmental conditions is low for this site. This conclusion is consistent with FWP's investigation that there are no remediation actions proposed near the site and that this site is not likely to be addressed by the lodged Clark Fork River consent decree. In the unlikely event that a CERCLA enforcement action would be taken against FWP, FWP will limit its liability by following the Bona Fide Prospective Purchaser landowner liability protection.*

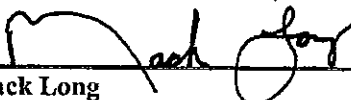
How much use is the site receiving from people going to the semi-hot-springs at Nimrod? Since parking is limited along I-90, it seems people will use this site for parking. *FWP Response: This has not been observed as of yet. The likelihood of people hiking/walking from the FAS to the hot springs is low.* What improvements if any will be done to mitigate liability from rocks falling from the steep talus slope above the site. *FWP response: This talus slope area is already in FWP ownership, therefore it's outside the scope of this current proposal.* Would someday like to see an interpretive trail on the site. *FWP response: That is entirely dependent on budgets and staff time.*

Concern was raised regarding noxious weeds, especially new invaders. Also, concern about invertebrate invaders. Suggested the use of educational signs, brochures and boat cleaning as well as careful attention to herbicide application. *FWP Response: We concur.* Another concern was in regards to the ability for county law enforcement to respond to recreational complaints. Suggest the use of river rangers. *FWP Response: Ability to add river rangers to FWP operations will be entirely up to the legislative process. Whenever a new site is added to FWP programs, every attempt is made to provide good coverage within existing operations.* Garbage & sanitation concerns were shared. Suggested the use of bear proof dumpsters, and having the site formally developed. *FWP Response: FWP does provide caretaker services on a weekly basis during the summer months. However, dumpsters are not provided at every site. Dumpsters are strategically placed within a river drainage. Caretakers will clean each site as they go through their route and utilize these dumpsters along the way. FWP has found that the public will still litter even when garbage cans or dumpsters are available. In order to stretch operational budgets, we feel this is the best method. This new site will be put on the Region's list of sites to be formally developed, however, it may take years before funding is secured. In the mean time, FWP will provide adequate sanitation facilities when warranted such as porta-potties. FWP will do what we can within our operational budgets to be good stewards of the FAS site.*

DECISION

Based on the analysis in the Environmental Assessment (EA) and the applicable laws, regulations and policies, I have determined that this action will not have a significant effect on the natural or human environment. Therefore, an Environmental Impact Statement will not be prepared. It is my decision to implement Alternative B, the Proposed Action and proceed with FWP acceptance of the land donation. This action also requires the approval of the Montana Fish, Wildlife and Parks Commission and the Montana Board of Land Commissioners, both scheduled in June. By notification of this Decision Notice, the draft EA is hereby made the final EA with the FWP responses in this Decision Notice. The final EA with Decision Notice may be viewed at or obtained from Montana Fish, Wildlife & Parks at the above address. The EA is still available for review at http://fwp.mt.gov/publicnotices/archive_2006,4.aspx.

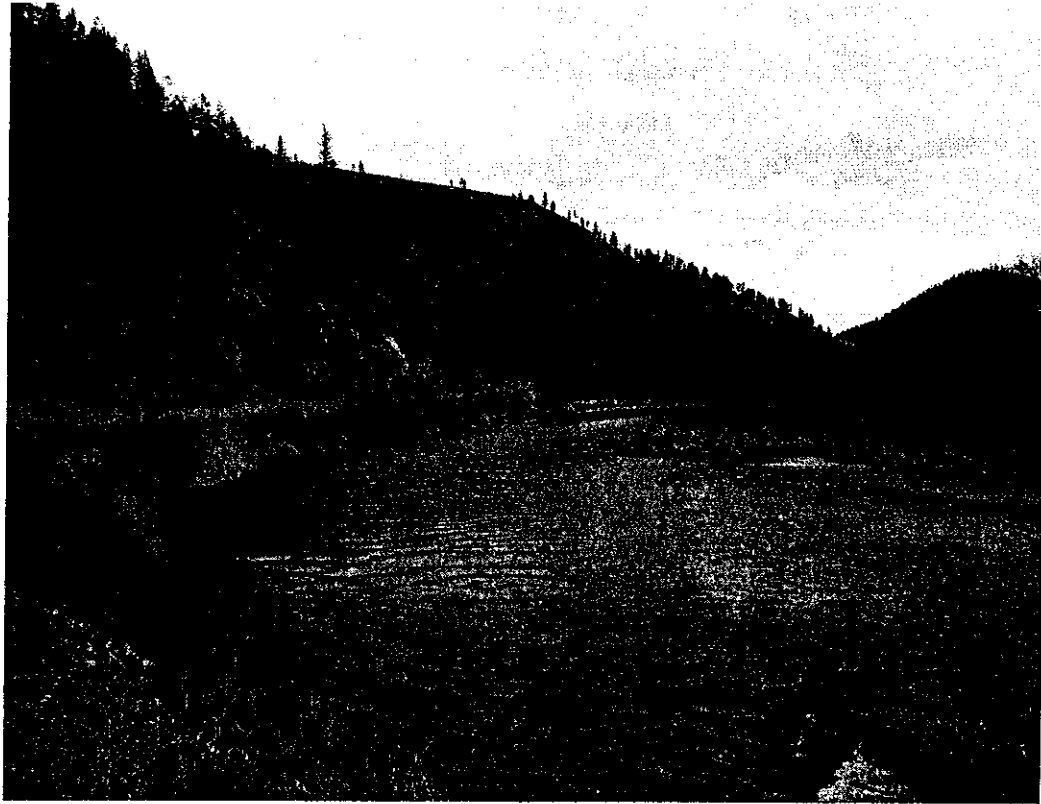
In accordance with MFWP policy, an appeal may be made by any person who has either commented in writing to the department on the proposed project, or who has registered or commented orally at a public meeting held by the department on the proposed project, or who can provide new evidence that would otherwise change the proposed plan. An appeal must be submitted to the Director of FWP in writing and must be postmarked or received within 30 days of this decision notice. The appeal must describe the basis for the appeal, how the appellant has previously commented to the department or participated in the decision-making process, and how the department can provide relief. The appeal should be mailed to: Director, Fish, Wildlife & Parks, 1420 East 6th Avenue, Helena, MT 59620.


Mack Long
Regional Supervisor

5/16/08

Date

Draft Environmental Assessment



CLARK FORK RIVER BEARMOUTH FISHING ACCESS SITE DONATION By Gene Tripp

January 2008



***Montana Fish,
Wildlife & Parks***

Bearmouth FAS Donation by Gene Tripp Draft Environmental Assessment MEPA, NEPA, MCA 23-1-110 CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. **Type of proposed state action:** Montana Fish, Wildlife & Parks (FWP) proposes to accept the donation of approximately 20 acres along the Clark Fork River in Granite Co. from a private individual for inclusion in the statewide Fishing Access Site Program. The land being offered for exchange is adjacent to the Bearmouth FAS that the department already owns, and would be added to that existing property.
2. **Agency authority for the proposed action:** The 1977 Montana Legislature enacted statute 87-1-605, which directs MFWP to acquire, develop and operate a system of fishing accesses. The legislature established an earmarked funding account to ensure that this fishing access site function would be established. Statute 87-1-209(c) authorizes MFWP, with the consent of the MFWP Commission, to acquire land by gift for the purpose of public fishing.
3. **Name of project:** Bearmouth Fishing Access Site Donation by Gene Tripp.
4. **Name, address and phone number of project sponsor (if other than the agency):** Montana Fish, Wildlife, and Parks is the project sponsor.
5. **If applicable:**
Estimated Acquisition Date: Spring 2008
Current Status of Project Design (% complete): N/A
6. **Location affected by proposed action (county, range and township):** Portions of the SW ¼ of Section 13 and the SE ¼ of Section 14, Township 11 N, Range 15 W., in Granite Co.
7. **Project size -- estimate the number of acres that would be directly affected that are currently:**

<u>Acres</u>		<u>Acres</u>	
(a) Developed:		(d) Floodplain	<u>0</u>
Residential	<u>0</u>		
Industrial	<u>0</u>	(e) Productive:	
		Irrigated cropland	<u>0</u>
(b) Open Space/Woodlands/Recreation	<u>0</u>	Dry cropland	<u>0</u>
		Forestry	<u>0</u>
(c) Wetlands/Riparian Areas	<u>20</u>	Rangeland	<u>0</u>
		Other	<u>0</u>

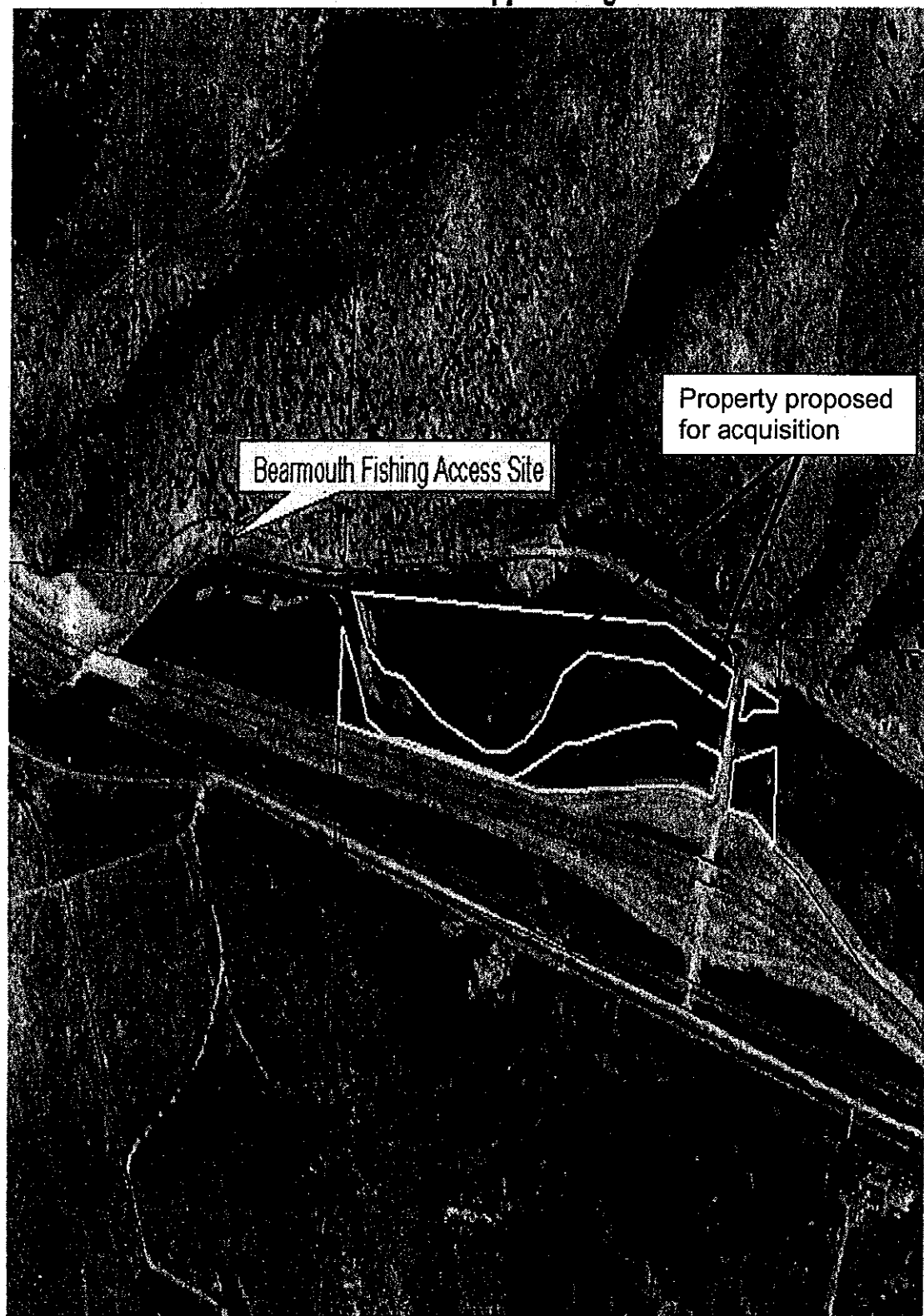
The Clark Fork is one of the longest rivers in Montana, stretching more than 280 miles from its origin in the Silver Bow Mountains to the Idaho border. The Clark Fork River originates at the confluence of Silver Bow and Warm Springs creeks near Anaconda, MT. The section of river that includes Bearmouth FAS is called the Upper Clark Fork, and is bordered on the north by the Garnet Range and the John Long Mountains and Sapphire Mountains in the south. The Upper Clark Fork used to be heavily polluted from mining activities in Butte and Anaconda in the early and mid 1900's and the fishery was decimated. After its headwaters were declared part of a large Superfund Site in the 1980's, a significant amount of time and money has been spent cleaning up the river and preventing further contamination from heavy metals. As a result, the fishery in the Upper Clark Fork supports fishable populations of brown trout.




Montana Fish, Wildlife & Parks proposes acquiring approximately 20 acres of land adjacent to Bearmouth FAS located in Bearmouth Canyon between Drummond and Beavertail State Park on the Upper Clark Fork River (see Figure 1). The property for the existing Bearmouth FAS was just acquired in 2005 and has not been developed yet. The proposed acquisition would be added to the Bearmouth FAS enlarging its size to approximately 30 acres.

The existing FWP property is a narrow strip along the old frontage road starting approximately ¼ mile downstream of the Bearmouth Bridge on the right bank only. The Tripp property starts upstream of the bridge to adjoin the FAS on the right bank, and continues approximately 250 feet downstream, covering both sides of the Clark Fork River between FWP's property and Interstate 90 (see Fig. 2). This proposed donation would greatly enhance public access at this location, due to the size and characteristics of the property. Most of the Tripp property is level with low banks, making it ideal for bank and wade angling. The Tripp property also includes land on both sides of the river, whereas the current Bearmouth FAS property only covers the north side of the river. The larger site would offer more angling opportunities and reduce trespassing on private lands, as the FAS would then be bordered by the interstate to the south and a steep cliffside to the north. The larger site would also offer more choices for future development such as a boat ramp or parking facilities.

Montana Fish, Wildlife & Parks is interested in acquiring this land because it would greatly enhance Bearmouth FAS as described above. There are very few designated public FAS's on the Upper Clark Fork River and little opportunity for public access. There are no other FWP FAS's in the 30-mile section between Drummond (river mile 273) and Beavertail State Park (river mile 245). As efforts continue to clean up the Clark Fork and restore the fishery, angler days are on an upward trend. There were 23,666 angler days in the section between the Bitterroot River and the Little Blackfoot River in 2003, making it the 6th most visited in the region and 28th in the state. However, angler days dropped to 11,772 days in 2005, making it the 9th most visited in the Region and 55th in the State. It is unclear what caused this drop in visitation, but lack of access is a likely factor.

Possible Tripp Fishing Access Donation



-  Tripp property
-  Fwp property (approximate)
-  Parcel boundaries

2000

0

2000

4000 Feet

This EA addresses only the acquisition of the 20-acre Tripp property, and does not include any possible improvements that would be made in the future. Benefits of the proposed action include the provision of greater public access to a major river at little cost to FWP. Access to the Bearmouth FAS is very easy and convenient, as users take the Bearmouth exit off of I-90, turn north and then turn west at the old highway. The Tripp property is ideally suited for streambank and wade fishing and together with the current FWP property would help make the Bearmouth FAS a very nice site for the public.

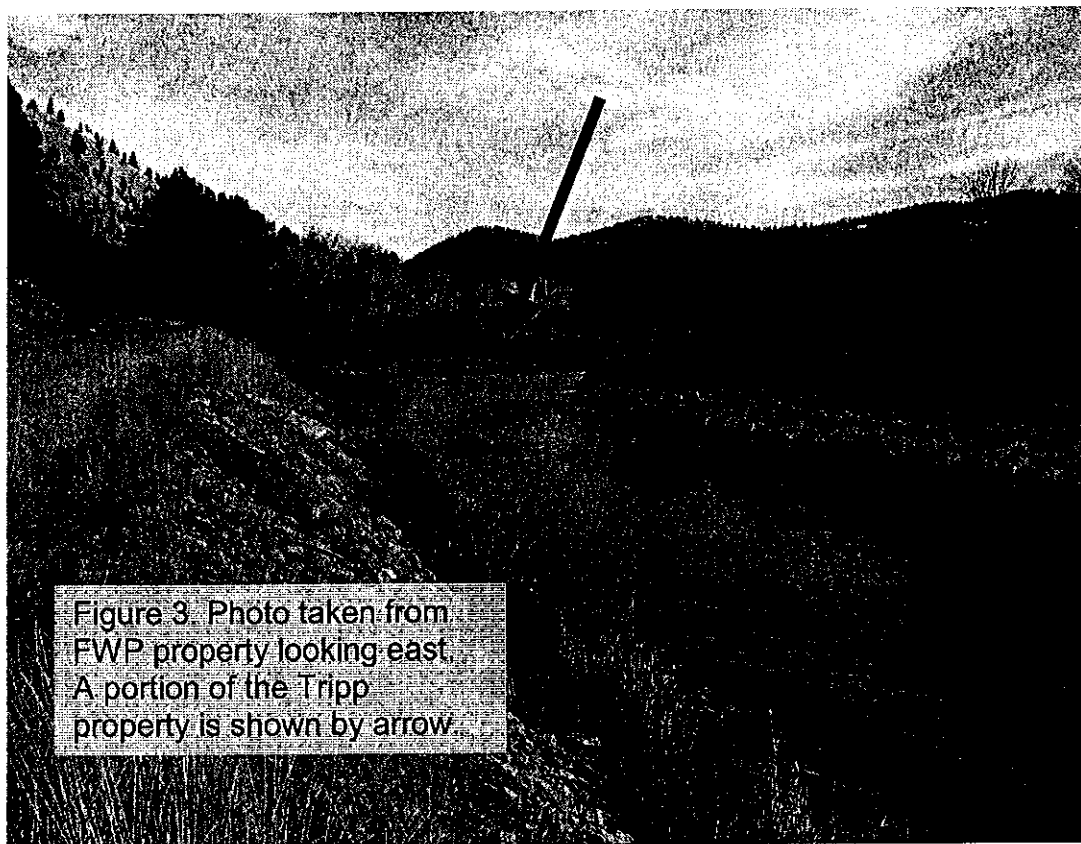


Figure 3. Photo taken from FWP property looking east. A portion of the Tripp property is shown by arrow.

PART II. ENVIRONMENTAL REVIEW

1. Description and analysis of reasonable alternatives:

Alternative A: No Action

If no action is taken, FWP would not accept the donation of the Tripp property for addition to Bearmouth FAS. Mr. Tripp would likely sell the parcel to another group or individual who may not be as friendly to the Department and the public as Mr. Tripp has been. The Department would lose a rare opportunity to acquire riverfront property at very little cost in a location that would further department goals. In addition, future fencing and border signing at Bearmouth FAS would be more extensive to discourage trespass onto the Tripp parcel.

Preferred Alternative B: Proposed Action

In the preferred alternative, FWP would accept the donation of approximately 20 acres of land to be added to Bearmouth FAS on the Upper Clark Fork River. By accepting this land, FWP would be able to increase public access to a major river that currently has little public access at small cost. In addition, the parcel is well-suited for streambank and wade angling and increases the recreational value of Bearmouth FAS as a whole. The existing FWP property provides excellent vehicular access to the site, and the Tripp property would provide excellent walk-in access to the river. The configuration of the two parcels also reduces the amount of border that would be shared by FWP and private landowners, as Interstate 90 and steep topography provide effective boundaries. Less private/FWP borders means less trespassing and litter on private land and therefore less conflict between the private landowner and the public and FWP.

2. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

There is no mitigation, stipulations, or other controls associated with the actions. Therefore, no evaluation is necessary.

3. Private Property Regulatory Restrictions:

Actions described in this environmental analysis do not regulate the use of private, tangible personal property, and therefore do not require an evaluation of regulatory restrictions on private property.

PART VI. ENVIRONMENTAL REVIEW CHECKLIST

3. Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated*	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. **Soil instability or changes in geologic substructure?		X				1a.
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?		X				
c. **Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				
f. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (attach additional pages of narrative if needed):

- 1a. The proposed action involves only a donation of property to FWP and does not include development or physical alteration of the property. If the property is transferred, any proposed future development will be the subject of another EA available for public comment.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

2. <u>AIR</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. **Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)		X				2a.
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. ***For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regs? (Also see 2a.)						
f. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Air Resources (attach additional pages of narrative if needed):

2a. The proposed action involves only a donation of property to FWP and does not include development or physical alteration of the property.

- * Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.
- ** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).
- *** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- **** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

3. WATER Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. *Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?		X				3a.
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. ****For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)						
m. ***For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)						
n. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Water Resources (attach additional pages of narrative if needed):

3a. The proposed action involves only a donation of property to FWP and does not include development or physical alteration of the property.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

4. VEGETATION Will the proposed action result in?	IMPACT *				Can Impact Be Mitigated*	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X positive			4a.
b. Alteration of a plant community?			X positive			4b.
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?			X positive			4e.
f. ****For P-R/D-J, will the project affect wetlands, or prime and unique farmland?						
g. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Vegetation (attach additional pages of narrative if needed):

- 4a. If FWP gains ownership of this parcel, managers would initiate a weed control program which would include spraying, biological control, and hand pulling as needed. MCA 7-22-2154 requires Granite Co.'s approval of a weed management agreement and inspection. The diversity of the remaining plant community would likely increase as a result.
- 4b. Please see comment 4a.
- 4e. An accurate report detailing the types and amounts of weeds on the site is not available at this time, but from its location and state of development it can be assumed that there are some noxious weeds present, particularly spotted knapweed. If FWP acquires the property; the parcel would be incorporated into the FWP Region 2 Weed Management Plan, and noxious weeds would be controlled. Therefore, the proposed action would not lead to the establishment of any new populations of noxious weeds and would decrease the likelihood of weeds being spread from the site.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

** 5. FISH/WILDLIFE Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game animals or bird species?			X		yes	5b.
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?			X		yes	5g.
h. ****For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)						
i. ***For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)						
j. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Fish and Wildlife (attach additional pages of narrative if needed):

- 5b. The proposed action would increase public access to the Upper Clark Fork River, which would likely result in more fishing pressure and more game fish mortality. Department fisheries biologists feel that fish populations in this section of the Clark Fork River can support the expected increase in pressure. Game wardens regularly patrol FAS' to ensure that anglers are complying with state regulations.

- * Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.
- ** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).
- *** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- **** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

- 5g. The donation of land itself would not affect wildlife populations. Once the site became open to the public, the presence of recreationists on the property could cause stress to wildlife populations. However, the parcel is adjacent to I-90 and very close to a private campground and restaurant, so wildlife in the area is probably already accustomed to human presence and noise. The presence of anglers and other members of the public on the parcel would likely have a minor to negligible affect on those animal species.

B. HUMAN ENVIRONMENT

6. <u>NOISE/ELECTRICAL EFFECTS</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Increases in existing noise levels?			x			6a.
b. Exposure of people to serve or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Noise/Electrical Effects (attach additional pages of narrative if needed):

- 6a. There would be no increase in noise from the proposed action. Once the site became open to the public there would be a very slight increase in noise. Adjacent landowners would not be affected.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

7. <u>LAND USE</u> Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				7a.
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Use (attach additional pages of narrative if needed):

- 7a. The proposed action would not alter or interfere with the productivity or profitability of the existing land use, nor does it conflict with a designated natural area or area of unusual scientific or educational importance.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

8. RISK/HEALTH HAZARDS Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?			X		yes	8a.
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				
d. ***For P-R/D-J, will any chemical toxicants be used? (Also see 8a)						
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Risk/Health Hazards (attach additional pages of narrative if needed):

- 8a. The FWP Region 2 Weed Management Plan calls for an integrated method of managing weeds, including the use of herbicides. The use of herbicides would be in compliance with application guidelines and conducted by people trained in safe handling techniques. Weeds would also be controlled using mechanical or biological means in certain areas to reduce the risk of chemical spills or water contamination.

- * Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.
- ** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).
- *** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- **** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

9. COMMUNITY IMPACT Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				9a.
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				
f. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Community Impact (attach additional pages of narrative if needed):

9a. The proposed action would not alter the location, distribution, density, or growth rate of the human population in the area.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

10. PUBLIC SERVICES/TAXES/UTILITIES	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
Will the proposed action result in:						
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		X				
b. Will the proposed action have an effect upon the local or state tax base and revenues?			X			10b.
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased use of any energy source?		X				
e. **Define projected revenue sources						10e.
f. **Define projected maintenance costs.						10f.
g. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Public Services/Taxes/Utilities (attach additional pages of narrative if needed):

- 10b. Montana FWP is required to make payments to counties in a sum equal to the amount of taxes payable as if the property were owned by a private citizen (MCA-87-1-603).
- 10e. Mr. Gene Tripp, a private individual, would donate the 20-acre parcel to FWP.
- 10f. Maintenance cost estimates for the site are pending, but it is estimated that they would be about \$1500/yr for the entire Bearmouth FAS.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

** 11. AESTHETICS/RECREATION Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. **Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)			X			11c.
d. ***For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c.)						
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Aesthetics/Recreation (attach additional pages of narrative if needed):

11c. The proposed donation would increase public access to the Upper Clark Fork River, thereby improving recreational opportunities in the area and Region.

- * Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.
- ** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).
- *** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- **** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

12. CULTURAL/HISTORICAL RESOURCES Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. **Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				12a.
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. ****For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)						
e. Other:		X				

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Cultural/Historical Resources (attach additional pages of narrative if needed):

12a. The proposed action would not destroy or alter any site, structure or object of historic importance.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

SIGNIFICANCE CRITERIA

13. <u>SUMMARY EVALUATION OF SIGNIFICANCE</u> Will the proposed action, considered as a whole:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Un- known *	None	Minor *	Potentially Significant		
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				13a.
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. ***For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)						
g. ****For P-R/D-J, list any federal or state permits required.						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Significance Criteria (attach additional pages of narrative if needed):

13a. This EA found no significant impacts to the human or physical environment from the proposed action.

- * Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.
- ** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).
- *** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- **** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PART III. NARRATIVE EVALUATION AND COMMENT

The ecosystem of the Upper Clark Fork River was significantly damaged by mine tailings in the early and middle 1900's, but after extensive restoration efforts and regulation it is making a comeback and recreational fishing is now improving in these upper sections. Brown trout now exist in sufficient numbers in this stretch of the Clark Fork to support greater fishing pressure than they are currently receiving. Public fishing pressure was focused on other areas for several decades, so there was little demand for greater access to the river. Now that the river is becoming healthier and fish stocks are recovering, anglers are rediscovering the Upper Clark Fork and seeking greater access. Visitation numbers suggest that anglers would use this area more if there was greater access. Providing greater access to underserved areas would also relieve fishing pressure on more heavily-used sites and rivers.

The enlargement of Bearmouth FAS by the donation of the Tripp parcel would be in line with MFWP's Six-Year Operation Plan for the Fisheries Program, which has as a stated goal to "identify waters in need of additional access and develop strategies to meet these needs".

The proposed acquisition would increase public recreational opportunities with no significant environmental impacts. The acquisition of the Tripp parcel for inclusion in the statewide FAS system would greatly add to public recreational opportunities in the Region and would have no significant adverse effects to the physical or human environment.

PART IV. PUBLIC PARTICIPATION

- 1. Describe the level of public involvement for this project if any, and, given the complexity and the seriousness of the environmental issues associated with the proposed action, is the level of public involvement appropriate under the circumstances?**

The public will be notified by way of a statewide press releases in the *Helena Independent Record* and *The Missoulian* and by public notice on the Fish, Wildlife & Parks web page: <http://fwp.state.mt.us/publicnotices> . Individual notices will be sent to those that have requested one.

- 2. Duration of comment period, if any.**

A 30-day comment period is proposed. This level of public involvement is appropriate for this scale of project.

The public comment period will run from _____ until 5:00 pm on _____.

Comments should be sent to:

PART V. EA PREPARATION

1. **Based on the significance criteria evaluated in this EA, is an EIS required? (YES/NO)?**

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.

Based on an evaluation of the primary, secondary, and cumulative impacts to the physical and human environment, this environmental review found no significant impacts from the proposed action. In determining the significance of the impacts of the proposed project, FWP assessed the severity, duration, geographic extent, and frequency of the impact, the probability that the impact would occur or reasonable assurance that the impact would not occur. FWP assessed the growth-inducing or growth-inhibiting aspects of the impact, the importance to the state and to society of the environmental resource or value affected; any precedent that would be set as a result of an impact of the proposed action that would commit MFWP to future actions; and potential conflicts with local, federal, or state laws. As this EA revealed no significant impacts from the proposed actions, an EA is the appropriate level of review and an EIS is not required.

2. **Name, title, address and phone number of the person(s) responsible for preparing the EA:**

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3201 Spurgin Road
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Allan Kuser
Fishing Access Site Coordinator
1420 East 6th Ave
Helena, MT 59620
(406) 444-7885

Linnaea Schroeer-Smith
Independent Contractor
1027 9th Ave
Helena, MT 59601
(406)495-9620

3. **List of agencies consulted during preparation of the EA:**

Montana Fish, Wildlife & Parks
Parks Division
Wildlife Division
Fisheries Division
Design & Construction Bureau
Lands Section